

Worksheet
Determination of NEPA Adequacy (DNA)
U.S. Department of the Interior
Bureau of Land Management

OFFICE: Humboldt River Field Office, LLNVW01000

TRACKING NUMBER: **DOI-BLM-NV-W010-2014-0036-DNA**

CASEFILE/PROJECT NUMBER: Denio Basin – H7YN

PROPOSED ACTION TITLE/TYPE: Denio Basin (H7YN) Fire Emergency Stabilization
and Rehabilitation Plan

LOCATION/LEGAL DESCRIPTION:

Aerial Seeding

T. 41 S., R. 34 E., sec. 10, 11, 14, 15, 21, 22, 23
T. 47 N., R. 28 E., sec. 22, 23

Ground Seeding

T. 41 S., R. 34 E., sec. 14, 15, 21, 22, 23
T. 47 N., R. 28 E., sec. 22, 23

Seedling Planting

T. 41 S., R. 34 E., sec. 10, 11, 14, 15, 21, 22, 23
T. 47 N., R. 28 E., sec. 22, 23

Invasives Mgmt.

T. 41 S., R. 34 E., sec. 10, 11, 14, 15, 21, 22, 23
T. 47 N., R. 28 E., sec. 22, 23

Fence Repair

T. 41 S., R. 34 E., sec. 10, 11, 14, 15, 21, 22, 23
T. 47 N., R. 28 E., sec. 22, 23

APPLICANT (if any): Bureau of Land Management (BLM)

Background Information on Fire

The Denio Basin Fire was ignited by lightning on 7/10/2014 and contained on 7/13/2014. There are no records of the area within the Denio Basin Fire area having burned previously. Approximately 1,217 acres burned within the Pueblo Mountain WSA. The fire area is considered to be year-round occupied habitat for California bighorn sheep, Greater Sage Grouse, year round mule deer and pronghorn low density habitat, as defined

by the Nevada Department of Wildlife (NDOW) and Oregon Department of Fish and Wildlife (ODFW). The Greater Sage Grouse (*Centrocercus urophasianus*) is listed as a candidate species. At least one active Sage-Grouse lek site is known to be present approximately 0.75 miles from the Denio Basin Fire. The fire burned low density habitat as defined by ODFW, which is equivalent to Preliminary General Habitat (PGH) in Nevada. The California bighorn (*Ovis canadensis var. californiana*) is a BLM special status species, Nevada and Oregon State protected, and a game species in both Nevada and Oregon. The area is also heavily utilized by assorted small mammals, migratory birds, and is near raptor nesting sites. The loss of shrub cover and nesting and foraging habitat has occurred as a result of the fire. The fire burned up-slope and in close proximity to the Denio Creek which is occupied with Lahontan Cutthroat Trout (LCT). The burned area is a high precipitation zone and a high quality habitat for multiple wildlife species. Three small springs burned within the fire area.

The fire burned on all slope aspects with most of the fire occurring on east facing slopes and around 5,500 to 6,500 feet in elevation. The soils are listed as moderate to highly erosive to both wind and water events which present a high risk of soil loss and annual plant invasion. These risks include potential for increased sediment delivery into the nearby Denio Creek, loss of California bighorn sheep, mule deer, and Greater Sage Grouse habitat. The area is also heavily utilized by assorted small mammals, migratory birds, and is near raptor nesting sites. The loss of shrub cover and nesting and foraging habitat has occurred as a result of the fire.

The Denio Basin Fire occurred in the Pueblo Mountains, approximately 2 miles WNW of the town of Denio, NV. A total of 1,931 acres of BLM-administered lands were burned by the fire, with 1,497 acres within the Pueblo Mountain Grazing Allotment, and 434 acres within the Wilder-Quinn Grazing Allotment. The fire burned an estimated 3 miles of fencing.

The fire burned through multiple Ecological Site Descriptions (ESDs), including R023XY310OR, which is classified as a north slope, mountain sagebrush (*Artemisia tridentata ssp. vaseyana*) dominant site receiving 12-16" precipitation annually, R023XY312OR, which is classified as a north slope, low sagebrush (*Artemisia arbuscula*) dominant site receiving 12-16" precipitation annually, R023XY314OR, which is classified as a gravelly north slope, threetip sagebrush (*Artemisia tripartita*) dominant site receiving 12-16" precipitation annually, and 23XY301OR, which is classified as a droughty south slope, big sagebrush (*Artemisia tridentata*) dominant site receiving 11-13" precipitation annually. Bunchgrass communities were largely intact, with a limited presence of non-native invasive annual plant species before the fire event.

A. Description of the Proposed Action with attached map(s) and any applicable mitigation measures.

Aerial Seeding

The BLM proposes to aerial seed a total of 1,931 acres of public land managed by BLM that was burned by the Denio Basin Fire. The aerial seeding would occur within the Pueblo Mountains WSA. Seeding would occur in the fall or winter with a preference for application in late fall or early winter. The project would be seeded with Wyoming sagebrush (*Artemisia tridentata ssp. wyomingensis*) and mountain sagebrush (*Artemisia tridentata ssp. vaseyana*). All species proposed for aerial seeding are native and are consistent with requirements set forth in BLM's 6330 Manual "Management of Wilderness Study Areas".

Objectives for aerial seeding are as follows:

1. Obtain an average of 0.5 sagebrush plants per meter² by the end of the third year following fire containment, which occurred on 07/13/2014.
2. Obtain 70% or greater perennial cover of the low potential perennial plant cover for the appropriate ecological site by the end of the third year following fire containment.
3. The aerial seeding would result in lower abundance (density and cover) of invasive annual plant species, and a higher abundance of desirable perennial plant species than the unseeded control areas.
4. Seeded species would be well established and reproducing.

Ground Seeding

The BLM proposes to broadcast seed a total of 350 acres of public land managed by BLM that was burned by the Denio Basin Fire. Seeding would occur in the fall or winter with a preference for application in late fall or early winter. The project would be seeded with rocky mountain bee plant (*Cleome serrulata*), Sandberg bluegrass (*Poa secunda*), streambank wheatgrass-sodar (*Elymus lanceolatus ssp. lanceolatus*), and squirrel tail (*Elymus elymoides*). All species proposed for broadcast seeding are native. The ground seeding would occur outside the Pueblo Mountains WSA.

Objectives for ground seeding are as follows:

1. Obtain an average of 1 sagebrush plants per meter² by the end of the third year following fire containment, which occurred on 07/13/2014.
2. Obtain 70% or greater perennial cover of the low potential perennial plant cover for the appropriate ecological site by the end of the third year following fire containment.
3. The ground seeding would result in lower abundance (density and cover) of invasive annual plant species and a higher abundance of desirable perennial plant species than the unseeded control areas.
4. Seeded species would be well established and reproducing.

Seedling Planting

The BLM proposes to install 44,000 bitterbrush (*Purshia tridentata*) and/or sagebrush (*Artemisia tridentata ssp. wyomingensis*) plants, utilizing hand-planting strategy (hoe-dad or auger planting) intermittently across 400 acres of public land managed by BLM

burned by the Denio Basin Fire. The hand planting of seedlings would not leave depressions or ruts, compact the soils, or trample or compress vegetation. The use of hoe-dads or augers would temporarily disrupt the soil but are necessary in order to restore valued ecological habitat. The project would be utilizing containerized or bare-root seedlings, and seedlings would be planted at an approximate spacing of 20'x20'.

Objectives for seedling planting are as follows:

1. Obtain a survival rate of planted seedlings exceeding 60% by the end of the fiscal year 2017.
2. The seedling planting would result in lower abundance (density and cover) of invasive annual plant species, and a higher abundance of desirable perennial plant species than the unseeded control areas.
3. Seedlings would well established and reproducing.

Invasive Plants and Noxious Weeds Management

Manage invasive species within the fire-affected area to limit further infestation through active treatment of previously existing and newly established infestations of noxious weeds. Up to 100 acres of noxious weed infestations would be treated annually during 2015, 2016, and 2017.

Located infestations, if any, would be treated with BLM approved herbicides as appropriate, and in compliance with BLM operating procedures and label requirements for BLM approved herbicides. For areas outside the WSA herbicide would be applied by an ATV sprayer or backpack pump. For areas within the WSA herbicide would be applied by a backpack pump. Treatments may include one or more of the following chemicals depending on species present in project location:

Imazapyr
Glyphosate
2,4-D
Picloram
Dicamba
Metsulphuron methyl
Clorsulphuron

Where herbicide application is determined to be the most appropriate treatment for noxious weeds, use of herbicides would be in conformance with label instructions. Only treatments allowable on Oregon BLM lands in conformance with standard operating procedures and mitigation measures (Appendix E of the Holloway EA) would be used. All infestations and treatments would be tracked in District GIS layers/shapefiles.

Fence Repair

Repair existing fences are the most cost effective way to exclude livestock from the burn area. Approximately 3 miles of existing, permanent allotment/pasture fences were

damaged by the Denio Basin Fire and are not currently functional. Eliminating grazing pressure on existing, recovering grasses, shrubs, and forbs will allow these plants an opportunity to gather resources (sugars), regrow stems and roots, and produce flowers/seeds. Allowing natural production of seeds from existing, locally adapted plants will greatly enhance overall probability of habitat recovery.

Environmental Protection Measures

The applicable design measures for this proposal are listed below. The existing NEPA documents are listed under section C.

All treatments identified will be in accordance with Instruction Memorandum IM-NV-2014-022 Revised Direction for Proposed Activities within Greater Sage-Grouse Habitat (July 2014), and WO-IM-2014-114 Sage Grouse Habitat and Wildland Fire Management (July 2014).

Aerial Seeding

Applicable measures from the Holloway Fire Emergency Stabilization and Rehabilitation Plans Environmental Assessment DOI-BLM-OR-B060-2013-0003-EA (DR/FONSI 3/1/2013):

Treatments would occur at a time of year when most birds have migrated out of the area, and birds that remain are highly mobile and able to leave the immediate area. Disturbance effects from aerial seeding would not be measurable on migratory bird populations due to the brief (few hours) amount of time required to spread the seed or apply the herbicide. Most migratory birds would return to the area or resume activity once seeding is complete.

Monitoring

All treatments would be monitored for efficacy and efficiency using established protocols and design features that are outlined in the Normal Year Fire Rehabilitation Plan Environmental Assessment No.NV-020-04-21 (DR/FONSI 8/19/2004). All vegetation treatments would be monitored for effectiveness using point-intercept, gap intercept and frame density techniques modified from Monitoring Manual for Grasses, Shrublands, and Savanna Ecosystems (Herrick, et, al., 2005) techniques outlined in BLM Technical Reference 1734-4 (BLM 1996), to determine perennial cover, and density of seeded and non-seeded plant species during the three years following fire containment on these areas.

Ground Seeding

Monitoring

All treatments would be monitored for efficacy and efficiency using established protocols and design features that are outlined in the Normal Year Fire Rehabilitation Plan Environmental Assessment No.NV-020-04-

21 (DR/FONSI 8/19/2004). All vegetation treatments would be monitored for effectiveness using point-intercept, gap intercept and frame density techniques modified from Monitoring Manual for Grasses, Shrublands, and Savanna Ecosystems (Herrick, et, al., 2005) techniques outlined in BLM Technical Reference 1734-4 (BLM 1996), to determine perennial cover, and density of seeded and non-seeded plant species during the three years following fire containment on these areas.

Seedling Planting

Wildlife and Migratory Birds

Applicable measure from the Holloway Fire ESR DNA DOI-BLM-NV-WO10-2013-0015-DNA (DR 12/27/2012):

No hand planting activities will be conducted within 0.6 miles of Sage Grouse lek sites during the sage-grouse lekking and nesting seasons from March 1st through June 30th. Greater Sage-Grouse nest and brood surveys in areas proposed for hand planting will be conducted no more than 10 days and no less than 3 days prior to initiation of disturbance. If active nests and/or broods are located, rehabilitation activities will be delayed until the grouse have voluntarily left the area.

Invasive Plant species and Noxious Weeds Management

Wildlife and Migratory Birds

Applicable measures from the Winnemucca Wildland Urban Interface (WUI) Fuels Treatment Project Environmental Assessment No.NV-WO10-2010-0011-EA (DR/FONSI 9/20/2010):

Application of herbicide would not occur within ¼ mile of any known sage grouse lek sites.

Applicable measure from the Holloway Fire ESR DNA DOI-BLM-NV-WO10-2013-0015-DNA (DR 12/27/2012):

During the raptor breeding season, January 1 through August 31, control of noxious weeds would be implemented or delayed in accordance with spatial and temporal recommendations defined in the Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances (USFWS 2002).

Control of noxious weeds would not be conducted within 0.6 miles of active Sage Grouse leks during lekking and nesting season from March 1st through June 30th. Greater Sage-Grouse nest and brood surveys in areas proposed for noxious weeds control efforts will be conducted no more than 10 days and no less than 3 days prior to initiation of disturbance. If active nests and/or broods are located, rehabilitation activities will be delayed until the grouse have voluntarily left the area.

Herbicide applications

The use of herbicides listed would adhere to the environmental protection measures listed below from the Integrated Weed Management Environmental Assessment NV-020-02-19 (DR/FONSI 8/27/2002).

1. Standard safety procedures and standard operating procedures would be strictly followed.
2. Re-applications of the herbicide would not be less than the persistence factor identified for any product selected for use.
3. Ground applications of herbicides (including backpack and power sprayer) would be limited to spraying the target weeds and the surrounding ground for 10 feet. Backpack applications of liquids would occur only at low nozzle pressure and at ground level. Granular formulations would be applied by broadcast spreaders or by hand within 3.5' of the ground.
4. The BLM would notify the livestock grazing permittee(s) when herbicides are used on grazing allotments. Phenology of target species and multiple use objectives would also be considered.
5. No herbicide application would be conducted when rain (greater than 50% chance) is predicted within 24 hours of treatment. The BLM would use the Interagency Fire Dispatch Center for weather reports for rain predictions.
6. All herbicide spray solutions would be applied with a blue dye so that application sites are visible.

B. Land Use Plan (LUP) Conformance

LUP Name* Andrews/Steens Resource Management Plan (RMP)

Date Approved 8/2005

*List applicable LUPs (for example, resource management plans; activity, project, management, or program plans; or applicable amendments thereto)

The proposed action in conformance with the applicable LUP because it is specifically provided for the following LUP decisions:

The proposed action in is conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objective, terms, and conditions):

Vegetation:

Andrews RMP (RMP-24): "Manage vegetation to achieve and maintain healthy watersheds."

Rangelands:

Andrews RMP (RMP-30) – Goal 1: "Maintain, restore or improve the integrity of desirable vegetation communities including perennial, native, and desirable introduced plant species. Provide for their continued existence and normal function in nutrient, water, and energy cycles." Goal 2: "Manage rangeland habitats so that forage, water,

cover, structure, and security necessary to meet the life history requirements of wildlife are available on public lands.”

Noxious Weeds Inventory and Treatment:

Andrews RMP (RMP 31) – Goal: “Control the introduction and proliferation of noxious weeds and reduce the extent and density of established populations to acceptable levels.”

Soil Management:

Andrews RMP (RMP-21) – Goal 1: “Manage soils on public lands to maintain, restore, or improve soil erosion classes, watershed health, and areas of fragile soils.”

Special Status Species:

Andrews RMP (RMP-34) – “Maintain, restore, or improve Special Status plant populations and animal habitats; manage public lands to conserve or contribute to the recovery of threatened or endangered species; and prevent future ESA listings.”

Wildlife:

Andrews RMP (RMP-33) – Goal: Provide diverse, structured, resilient, and connected habitat on a landscape level to support viable and sustainable populations of wildlife, fish, and other aquatic organisms.”

Wildland Fire Management:

Andrews RMP (RMP-57) Goal 2: Restore and maintain the integrity of ecosystems consistent with appropriate fire regimes and land uses.”

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

- Holloway Fire Emergency Stabilization and Rehabilitation Plans Environment Assessment, DOI-BLM-OR-B060-2013-0003-EA (DR/FONSI 3/1/2013)
- Montana Mountains Cooperative Fuels Treatment Projects Environmental Assessment No. DOI-BLM-NV-WO10-2011-0005-EA (DR/FONSI 8/2/2012)
- Winnemucca Wildland Urban Interface Area Treatment Project Environmental Assessment, DOI-BLM-NV-WO10-0011-EA, (DR/FONSI 9/20/2010)
- Paradise Fuelbreak Maintenance Environmental Assessment No.: DOI-BLM-NV-WO10-2010-0009-EA (DR/FONSI 7/19/2010)
- Santa Rosa Fuelbreak Project Environmental Assessment No.: DOI-BLM-NV-WO10-2010-0003-EA (DR/FONSI 2/19/2010)
- Vegetation Treatment Using Herbicides on BLM Lands in Seventeen Western States Programmatic Final Environmental Impact Statement, 07/2007, (ROD 9/29/07)
- Normal Year Fire Rehabilitation Plan Environmental Assessment EA# NV-020-04-21, 06/2004, (DR/FONSI 8/19/04)
- Integrated Weed Management Environmental Assessment NV-020-02-19, 8/07/02, (DR/FONSI 8/27/02)

- Vegetation Treatment on BLM Lands in Thirteen Western States Environmental Impact Statement, 5/91, (ROD 8/91)

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

- IM NV 2014-022 Revised Direction for Proposed Activities within Greater Sage-Grouse Habitat (July 2014)
- WO IM 2014-114 Sage-Grouse Habitat and Wildland Fire Management (July 2014)
- Holloway Fire ESR Determination of NEPA Adequacy DOI-BLM-NV-WO10-2013-0015-DNA (DR 12/27/2012)
- USFWS Biological Opinion for the Normal Year Fire Rehabilitation Plan (August 2004)
- A Report on National Greater Sage-Grouse Conservation Measures. Produced by: Sage-grouse National Technical Team, 12/21/2011 (pp 27)

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analysis in the existing NEPA documents(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Documentation of answer and explanation:

Yes, for areas outside of the WSA, the Normal Fire Rehabilitation Plan EA-NV-020-04-21 (DR/FONSI 8/19/04), addresses the proposed treatments including aerial seeding, broadcast seeding. Control of noxious weeds is analyzed in the Normal Fire Rehabilitation Plan EA-NV-020-04-21 (DR/FONSI 8/19/04), Integrated Weed Management EA-NV-020-02-19 (DR/FONSI 8/27/02) and the Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States EIS (ROD 9/29/07).

Seedling planting has been analyzed in the Holloway Fire Emergency Stabilization and Rehabilitation Plans Environmental Assessment DOI-BLM-OR-BO60-2013-0003-EA (DR/FONSI 3/1/2013). Although the site specific geographic location analyzed is different, the geographic conditions and resources are sufficiently similar to the existing referenced EA document. The EA analyzes hand planting on similar vegetation communities and soils. The hand planting of seedlings would not leave depressions or ruts, compact the soils, or trample or compress vegetation. The analysis shows no effect of concern in the same resources being evaluated under this proposal. There would be no new impacts that would need further analysis.

For areas within the WSA, the proposed action is identical to aerial seeding and hand planting actions analyzed in the Holloway Fire Emergency Stabilization and Rehabilitation Plans EA (DR/FONSI 3/1/2013). Invasive species treatments within WSAs were also analyzed in the Holloway Fire Emergency Stabilization and Rehabilitation Plan EA (DR/FONSI 3/1/2013) and Montana Mountains Cooperative Fuels Treatment Project EA (DR/FONSI 8/2/2012), Normal Fire Rehabilitation Plan EA-NV-020-04-21 (DR/FONSI 8/19/04), the Integrated Weed Management EA, and the two programmatic EISs.

2. Is the range of alternatives analyzed in the existing NEPA documents(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

Documentation of answer and explanation:

Yes, the range of alternatives analyzed in the existing NEPA documents are appropriate with respect to the current proposed action and current environmental concerns, interests, resource values, and circumstances.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Documentation of answer and explanation:

Yes, the existing analysis is adequate and there is no new information or circumstances regarding the current proposal that would necessitate new analysis. Recent BLM NV State Office guidance (IM-NV-2011-044) related to Greater Sage Grouse has designated specific habitat in Nevada as Preliminary Priority Habitat (PPH) and Preliminary General Habitat (PGH) if it meets specified criteria for breeding habitat. Any project that falls within PPH or PGH must include additional correspondence and evaluation steps, including coordination and review by the Nevada Department of Wildlife (NDOW). The Denio Basin Fire ES&R activities falls within Oregon's Low Density Greater Sage Grouse Habitat; correspondence with the NV State Office and Oregon Division of Fish and Wildlife (ODFW) was initiated and the proposed action was reviewed and approved by ODFW and BLM Wildlife Biologists. Based on this process, we can reasonably conclude that the recent Greater Sage Grouse guidance would not substantially change the analysis of this proposed action.

4. Is the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Documentation of answer and explanation:

Yes, the analytical approach used in the existing NEPA documents continues to be appropriate for the current proposed action.

5. Is the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Documentation of answer and explanation:

Yes, public involvement and interagency review associated with existing NEPA documents are adequate. In addition, there has been coordination with Oregon Department of Wildlife regarding the Denio Basin Fire ESR actions in the form of an email with the project lead on 8/14/2014 to discuss fire-affected resources and restoration priorities. In addition, coordination regarding planned ESR actions has occurred between the Winnemucca District Range Management Specialist and the affected permittee in the form of a phone call on 08/15/2014.

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E. Persons/Agencies/BLM Staff Consulted

Name /Title	Resource/Agency Represented	Signature/Date	Comments (Attach if more room is needed)
Wes Barry	Range Management Specialist	/s Wes Barry 10/03/2014	None
Rob Burton	Vegetation/Soils/Air Quality	/s Rob Burton 8/27/2014	
Chris Powell	Cultural Resources	/s Chris Powell 9/23/2014	
Pat Haynal	Cultural Resources (oversight)	/s Pat Haynal 10/14/2014	Some dozer lines may require inventory – not ESR PH*
John McCann	Hydrology/Riparian	/s John McCann 8/21/2014	
Amanda DeForest	Wildlife	/s Amanda DeForest 9/3/2014	
Greg Lynch	Fisheries	/s Greg Lynch 9/3/2014	
Rob Bunkall	GIS	/s Rob Bunkall 10/2/2014	
Eric Baxter	ESR Lead/Invasive Species/NAC	/s Eric Baxter 10/22/2014	
Lynn Ricci	NEPA	/s Lynn Ricci 10/22/2014	
Samantha Gooch	Wild Horse/Burro	/s Samantha Gooch 9/3/2014	None
Zwaantje Rorex	Lands w/ Wilderness Characteristics/ WSA	/s Zwaantje Rorex 10/8/2014	
Mark Williams	Fire/Fuels	/s Mark Williams 9/15/2014	None
Pat Haynal	Paleontology	/s Pat Haynal 10/15/2014	

Note: Refer to the EA/EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

☒ **Conclusion** *(If you found that one or more of these criteria is not met, you will not be able to check this box.)*

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM' compliance with the requirements of the NEPA.

/s Eric Baxter
Signature of Project Lead

/s Lynn Ricci
Signature of NEPA Coordinator

/s Jame W. Schroeder 10/28/2014
Signature of the Responsible Official Date

*This would be suppression! If applicable. PH 10/20/2014

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.